

REMARKS

Claims 1-15 are pending in this application; claims 1 and 9 are independent claims. All pending claims stand rejected in the Office Action dated August 23, 2007. Specifically, the Office Action rejects the claims as follows: claims 1-5, 8-10 and 13-14 stand rejected under 35 USC 103(a) as unpatentable over US Published Application No. US 2003/0064758 to Mizuta et al. (hereinafter "Mizuta") in view of US Patent No. 6,359,984 to Kim (the "'984 patent"); claims 6 and 11 stand rejected under 35 USC 103(a) as unpatentable over Mizuta in view of the '984 patent and further in view of US Patent No. 6,993,366 to Kim (the "'366 patent"); claims 7 and 12 stand rejected under 35 USC 103(a) as unpatentable over Mizuta in view of the '984 patent and further in view of the '366 patent as applied to claims 6 and 11, and further in view of US Patent No. 6,819,939 to Masamura (the "'939 patent"); and claim 15 stands rejected under 35 USC 103(a) as unpatentable over Mizuta in view of the '984 patent as applied to claim 9, and further in view of US Published Application No. US 2002/0198017 to Babasaki et al. (hereinafter "Babasaki"). Applicant submits that the claims, as amended, are distinguishable over the cited prior art and hence allowable.

Applicant thanks the Examiner for the telephonic interview conducted on November 20, 2007. Briefly, during the interview, the undersigned counsel explained that the prior art failed to teach, suggest or disclose all of the elements of independent claim 9. In particular, it was explained that claim 9 required, inter alia, a pair of speakers, a first speaker "provided at one end of said first housing . . ." and a second speaker "provided at the other end of said first housing . . ." It was further explained that the arrangement of the first and second speakers as claimed was particularly desirable for facilitating operation of portable radiotelephone in the closed state. This aspect is explained, for example in paragraph [15] of Applicant's original application. See US 2004/0166907. During the Interview, it became

apparent that the Office Action may not have fully considered this limitation of claim 9. The Examiner agreed to reconsider the rejection of the claims, including possibly conducting an additional search. The Examiner further noted that because of this apparent oversight the next Office Action, if the claims were not allowed, would be non-final.

Applicant has amended claim 1 to now recite "wherein said speaker section further comprises a first speaker provided at one end of said first housing and a second speaker provided at the other end of said first housing." Independent claim 3 has been amended to conform it with the amendments made to claim 1. Like claim 9, claim 1 now makes clear that a first and second speaker are provided at opposite ends of the first housing. Figure 1 of Applicant's application shows speaker 13b and 13a at opposite ends of first housing 32. By way of example, Applicant's specification explains:

[0064] When the overlapping type portable radiotelephone 30 is brought into condition for conversation by starting a call or receiving an incoming call in the closed state, the communication control section 63 in the control section 62 controls the speaker 13a not to function, but controls the speaker 13b to function as a receiver, and controls the microphone 15 to function as a transmitter. Moreover, when the speaker 13b comes near the user's ear, the microphone 15 is not close to the user's mouth. Therefore, the communication control section 63 controls the gain adjusting section 16 to increase the gain thereby to enhance sensitivity of the microphone 15.

[0065] Further, in the case where the user feels a sense of incongruity because the microphone 15 is not close to his mouth during the conversation in the closed state, and he has made the opening operation, the opened/closed state detecting section 64 detects the opened state and outputs a signal showing the opened state to the control section 62. On this occasion, the communication control section 63 in the control section 62 controls the speaker 13a to function as the receiver, and at the same time, controls the microphone 15 to function as the transmitter, but controls the speaker 13b not to function. Moreover, in order to restore the sensitivity of the microphone 15 to normal level, the communication control section 63 controls the gain adjusting section 16 to decrease the gain.

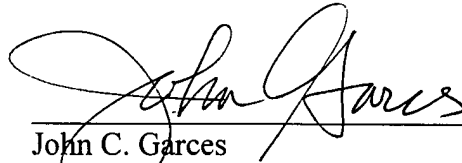
US 2004/0166907 at [63] and [64].

None of the prior art cited alone or in combination teach, suggest or render obvious the portable radiotelephone as claimed in claims 1 and 9. Indeed, the reference that is principally relied on in the Office Action, the '984 patent, teaches a single speaker 118 located on the first housing 102 of the mobile telephone. A second speaker 124 is located on an opposite side (inner side) of the first housing 102. As shown, in the closed state, speaker 118 is located in close proximity to a microphone 126. The '984 patent does not solve the problem of having a first and second speaker combination that may be utilized on the opened state and closed state while maintaining a comfortable distance between the speaker and microphone.

Mizuta is equally unavailing as it discloses a mobile phone having only one speaker located on the first housing. See Figure 9B, item 203. The '366 patent is also unavailing. The '366 patent discloses a standard mobile phone that is equipped with two microphones and two speakers. As shown in Figure 1, a first speaker is positioned and a second microphone are positioned on the upper housing and a first microphone and a second speaker are positioned on the lower housing. In operation, a user may use either speaker-microphone combination while the mobile phone is in the opened state. There is no suggestion or teaching that the speakers may be used in the closed state. Indeed, it would seem impossible given their location on the inside of the phone. As explained in Kim, the speaker-microphone pairs are voice sensitive. All other cited prior art is also unavailing.

For the foregoing reasons, Applicant respectfully submits all the pending claims are now allowable over the cited prior art. Payment of the appropriate fees, if any, and/or granting of the appropriate extension is requested, and the Commissioner is directed to debit our deposit account, Account No. 50-0675, Order No. 848075/0060, for the amounts required.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Garces", is written over a horizontal line.

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